

**HOPKINS**  
**vs.**  
**NICHOLS, et al.**

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**30(b)(6)**

**WILLIAM LAMB**

**August 05, 2020**



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1 shall file a TIBRS report and refer a copy of the  
2 report to the investigative division of the Marshall  
3 County Sheriff's Office," right?

4 A. Yes, sir. That's what it says.

5 Q. So there -- is there any other written  
6 policy that applies to the endangered or mistreated  
7 animals calls to the Marshall County Sheriff's  
8 Office?

9 A. Not that I'm familiar with, no, sir.

10 Q. And using Mr. Hopkins' case as an example,  
11 would that be an endangered or mistreated animals  
12 call?

13 A. Yes, sir.

14 Q. And we discussed in your individual  
15 deposition that Detective Nichols is the detective  
16 responsible for conducting investigations into  
17 animal neglect and cruelty; is that correct?

18 A. He conducts most of them.

19 Q. Most of them?

20 A. Yes, sir.

21 Q. Okay. Is it -- in the last 10 years, based  
22 on the documents you produced, he conducted all of  
23 those, right?

24 A. Yes, sir. There could be some come through  
25 I'm not aware of, as far as some other type animal,

1 but, yes, sir, Detective Nichols handles all those  
2 type.

3 Q. Okay. Are you aware of any -- let me pause  
4 for a second, and I'll make an Exhibit 2. Exhibit 2  
5 will be the seizures of livestock document that we  
6 received from the county in discovery in this case.  
7 And let me share that.

8 (WHEREUPON, a document was marked as  
9 Exhibit Number 2.)

10 BY MR. CLARK:

11 Q. So out of all of these seizures that were  
12 produced, they all say Detective Nichols was the  
13 investigating officer.

14 Are you aware of other incident reports  
15 pertaining to animal cruelty or neglect in the last  
16 10 years?

17 A. No, sir. Not that I can recall.

18 Q. Okay. So to the best of your knowledge,  
19 that is a complete production of the incident  
20 reports pertaining to animal cruelty or neglect for  
21 a 10-year period in Marshall County?

22 A. To my knowledge, yes, sir.

23 Q. Okay. So make Exhibit -- 2 was the  
24 seizures. Exhibit 3 will be the interrogatory  
25 responses by Defendant Marshall County, and I'm

1 going to go ahead and drop that into the chat.

2 (WHEREUPON, a document was marked as  
3 Exhibit Number 3.)

4 BY MR. CLARK:

5 Q. So in response to the interrogatories we  
6 asked of the county, the first question asked you to  
7 identify all policies applicable to the seizure of  
8 livestock or farm animals by officers of the  
9 Marshall County Sheriff's Department during the time  
10 period beginning January 2013 through the present  
11 date. And the response was that "The county does  
12 not have a specific policy regarding the seizure of  
13 any animal responsive to this interrogatory;  
14 however, the general procedure is attached as  
15 Exhibit A," and that Exhibit A we have just made  
16 into Exhibit 1 to this deposition, the policy and  
17 procedures animal complaint protocol.

18 Now, is there any other document or policy  
19 responsive to this interrogatory that you're aware  
20 of, Sheriff?

21 A. No, sir. Not that I'm aware of.

22 Q. Okay. So in Number 2 I asked you to  
23 "Identify and describe all customs or practices of  
24 the Marshall County Sheriff's Department, written or  
25 unwritten, which applied to the seizure of livestock

1 during the year 2018. If any such customs or  
2 practices changed during the year 2018, identify the  
3 date of the change and articulate each iteration of  
4 each custom or practice."

5 The county responded that "The county does  
6 not have a specific policy regarding the seizure of  
7 any animal responsive to this interrogatory."

8 So I'm asking about customs or practices.  
9 Do you know what a custom or practice is, Sheriff?

10 A. Yes, sir.

11 Q. Okay. So is it fair to say that a custom is  
12 the way something is usually done at the sheriff's  
13 department?

14 A. Yes, sir.

15 Q. Okay.

16 A. Yes, sir.

17 Q. And Detective Nichols is the detective that  
18 usually -- or, based on the documents we have, has  
19 always conducted these investigations since 2013;  
20 correct?

21 A. That's correct.

22 Q. And so it's fair to say that the manner in  
23 which Detective Nichols conducted these  
24 investigations and seizures is the custom of the  
25 Marshall County Sheriff's Office.

1 Fair statement?

2 A. Yes, sir.

3 Q. So we asked in Interrogatory Number 3 to  
4 "Identify all contracts, agreements, and/or other  
5 understandings between Marshall County and any third  
6 party relating to the care, upkeep, or maintenance  
7 of livestock seized by law enforcement applicable at  
8 any time during the year 2018."

9 The county responded that "The county had a  
10 verbal agreement with Phil Dunivan to maintain and  
11 care for cattle seized from Don Farler," and "The  
12 county had a verbal agreement with Bo Jackson to pay  
13 \$5/head per day to treat, maintain, and care for the  
14 cattle. Originally it was believed that Mr. Jackson  
15 would only need to hold the cattle for 30-45 days;  
16 however, this was extended."

17 Sheriff, there's no written agreement with  
18 Bo Jackson regarding the livestock that were seized  
19 from Mr. Hopkins' farm; correct?

20 A. Not that I'm aware of, no, sir.

21 Q. So you'd never met Bo Jackson before this --

22 A. No, sir, I -- no, sir. I didn't know  
23 Bo Jackson.

24 Q. So Detective Nichols made that verbal  
25 agreement with Bo Jackson, right?

1 done like this.

2 Q. Okay.

3 A. We have to have a place to put them. If we  
4 have to put out bids -- put it through bids and that  
5 sort of thing, it would take a while, and it was  
6 hard to find anybody to help us out on this type  
7 stuff.

8 Q. Are there other areas aside from livestock  
9 holding where Detective Nichols is authorized to  
10 make verbal financial agreements binding the county?

11 A. No, sir.

12 Q. Okay. Are there any other circumstances  
13 you're aware of where an employee of the sheriff's  
14 office is permitted to make verbal financial  
15 agreements that bind the county?

16 A. No, sir.

17 Q. Has the Marshall County Commission approved  
18 or passed a resolution that authorizes employees to  
19 make these verbal financial agreements that bind the  
20 county?

21 A. I -- not that I'm aware of.

22 Q. So in response to Interrogatory Number 4  
23 "Identify any documentation which reflects income  
24 derived, directly or indirectly, by Marshall County  
25 (including the Marshall County Sheriff's

1 Department), from any third-party contracts related  
2 to the care, upkeep, and/or maintenance of livestock  
3 seized by law enforcement since July 1, 2013," and  
4 the county's response was "Not applicable."

5 Does that mean that there is no  
6 documentation which reflects such income?

7 A. We haven't received anything from a third  
8 party. We haven't received any income from a third  
9 party.

10 Q. Marshall County didn't receive any income  
11 from Matthew Hopkins?

12 A. I thought you was talking about a third  
13 party related -- like Bo Jackson or Phil Dunivan.

14 Q. Well, directly or indirectly from any  
15 third-party contracts related to the care, upkeep,  
16 and/or maintenance of livestock. So I understand  
17 it's a pretty wordy question, but you can tell me  
18 about it now.

19 How does the financial arrangement work  
20 whenever someone is holding livestock that have been  
21 seized by Marshall County? How does that work?

22 A. It -- the way it works, it goes through  
23 court, the cattle or whatever are sold, then we take  
24 out -- what we do is we take out what the upkeep is,  
25 and the money is put into the general fund. If



1       there's any left, the money is put into the general  
2       fund. In Mr. Hopkins' case, that wasn't quite the  
3       case. The county paid, I think, about \$17,000.

4       Q.       And that's because the cattle were held a  
5       lot longer than 30 to 45 days, right?

6       A.       Yes, sir. That's correct.

7       Q.       So if the cattle were not held for that  
8       long, the county could anticipate making a profit on  
9       these transactions.

10       Fair statement?

11       A.       Yes, sir.

12       Q.       And how is that -- how is that amount  
13       determined -- is any amount that is not expended on  
14       the upkeep placed directly in the general fund?

15       A.       Yes, sir. Whatever comes out of that as far  
16       as the upkeep, the vet fees, and the rest of it,  
17       it's put into the general fund.

18       Q.       Okay. Does any of the money go to any other  
19       destination?

20       A.       I -- not that I'm aware of.

21       Q.       So the --

22       A.       I don't know -- I don't know where it goes  
23       from there.

24       Q.       Right. But aside from the general fund, it  
25       doesn't go anywhere else initially; correct?

1 A. No, sir. Correct. Not that I'm aware --  
2 yes, sir.

3 Q. Okay.

4 A. Not that I'm aware of.

5 Q. So in response to Interrogatory Number 5, we  
6 asked "Do you contend that all seizures of the  
7 plaintiffs' livestock in 2018 were consistent with  
8 the official policy of the Marshall County Sheriff's  
9 Department," and in addition to objecting that this  
10 interrogatory is overly broad and vague as to what  
11 is meant by "official policy," the county goes on to  
12 state that the county had no policy with regard to  
13 the seizure of livestock.

14 Is that still the county's response to this?

15 A. Yes, sir.

16 Q. And then in response to Number 6 "Do you  
17 contend that all seizures of the plaintiffs'  
18 livestock in 2018 were consistent with all the  
19 customs or practices of the Marshall County  
20 Sheriff's Department? Provide your reasoning in  
21 support of your response." The county says "The  
22 county had no custom or practice regarding the  
23 seizure of livestock."

24 Is that still the county's response to this  
25 interrogatory?